

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>		<b>GRANT NUMBER (FAIN):</b> 36000314 <b>MODIFICATION NUMBER:</b> 1 <b>PROGRAM CODE:</b> 3W	<b>DATE OF AWARD</b> 05/12/2016
			<b>TYPE OF ACTION</b> No Cost Amendment	<b>MAILING DATE</b> 05/12/2016
			<b>PAYMENT METHOD:</b> Advance	<b>ACH#</b> 20040
<b>RECIPIENT TYPE:</b> State			<b>Send Payment Request to:</b> EPA, Las Vegas Finance Center	
<b>RECIPIENT:</b> NYS Dept of Environmental Conservation 625 Broadway Albany, NY 12233-5010 <b>EIN:</b> 14-6013200			<b>PAYEE:</b> NYS Dept of Environmental Conservation 625 Broadway Albany, NY 12233-5010	
<b>PROJECT MANAGER</b> Nancy Lussier 625 Broadway Albany, NY 12233-5010 <b>E-Mail:</b> nwlussie@gw.dec.state.ny.us <b>Phone:</b> 518-402-9228		<b>EPA PROJECT OFFICER</b> Jane Leu 290 Broadway, CWD/DWMIB/SRF New York, NY 10007-1866 <b>E-Mail:</b> <b>Phone:</b> 212-637-3815		<b>EPA GRANT SPECIALIST</b> Janeime Castro Grants and Audit Mgt Branch, OPM/GAMB <b>E-Mail:</b> Castro.Janeime@epa.gov <b>Phone:</b> 212-637-3573
<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> DISASTER RELIEF APPROPRIATIONS ACT NYSDEC CLEAN WATER STATE REVOLVING FUND GRANT This action revises Programmatic Condition A, Automated Standard Application for Payments (ASAP) to eliminate the Administration budget and instead reflect 100% Project cash draws. This administrative amendment is taken in accordance with Nancy Lussier's, Director of Management and Budget, request dated February 24, 2016. All other Administrative and Programmatic Conditions remain the same and in effect. There is no change to the amount of Federal funds awarded or the scope of work under this agreement.				
<b>BUDGET PERIOD</b> 10/01/2014 - 09/30/2021	<b>PROJECT PERIOD</b> 10/01/2014 - 09/30/2021	<b>TOTAL BUDGET PERIOD COST</b> \$339,777,774.00	<b>TOTAL PROJECT PERIOD COST</b> \$339,777,774.00	
<b>NOTICE OF AWARD</b>				
Based on your Application dated 02/24/2016 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$0. EPA agrees to cost-share 0.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$283,148,145. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>			<b>AWARD APPROVAL OFFICE</b>	
<b>ORGANIZATION / ADDRESS</b> Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866			<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 2 Clean Water Division 290 Broadway New York, NY 10007-1866	
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>				
<b>Digital signature applied by EPA Award Official</b> Roch Baamonde - Grants Management Officer				<b>DATE</b> 05/12/2016

## EPA Funding Information

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 283,148,145	\$ 0	\$ 283,148,145
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 56,629,629	\$ 0	\$ 56,629,629
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 339,777,774	\$ 0	\$ 339,777,774

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.482 - Disaster Relief Appropriations Act (DRAA) Hurricane Sandy Capitalization Grants for Clean Water State Revolving Funds	Disaster Relief Appropriations Act 2013 PL 113-2 (113th Congress 1st Session) (Sandy Recovery Improvement Supplemental Appropriations for FY 2013) see H.R. 152 – 28	40 CFR PTS 31 & 35 SUBPRT K

[illegible]



## Budget Summary Page

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
<b>1. Personnel</b>	\$0
<b>2. Fringe Benefits</b>	\$0
<b>3. Travel</b>	\$0
<b>4. Equipment</b>	\$0
<b>5. Supplies</b>	\$0
<b>6. Contractual</b>	\$0
<b>7. Construction</b>	\$0
<b>8. Other</b>	\$339,777,774
<b>9. Total Direct Charges</b>	\$339,777,774
<b>10. Indirect Costs: % Base</b>	\$0
<b>11. Total (Share: Recipient <u>100.00</u> % Federal <u>0.00</u> %.)</b>	\$339,777,774
<b>12. Total Approved Assistance Amount</b>	\$0
<b>13. Program Income</b>	\$0
<b>14. Total EPA Amount Awarded This Action</b>	\$0
<b>15. Total EPA Amount Awarded To Date</b>	\$283,148,145

## **Administrative Conditions**

All Administrative Conditions remain the same and are hereby in effect.

## **Programmatic Conditions**

### **GRANT-SPECIFIC PROGRAMMATIC CONDITIONS**

Programmatic Condition A. Automated Standard Application For Payments (ASAP) is updated to eliminate the Administration budget cash draws from the condition and reflect 100% Project cash draws, as requested by NYSDEC via letter dated February 24, 2016.

#### **A. AUTOMATED STANDARD APPLICATION FOR PAYMENTS (ASAP)**

The New York State Department of Environmental Conservation (NYSDEC), acting on behalf of the State of New York, agrees to accept payment from the United States Environmental Protection Agency (EPA) with funds to be made available from the P.L. 113-2, the "Disaster Relief Appropriation Act, 2013" (DRAA), in accordance with the below payment schedule established under Section 601(b) of the Act and will deposit all such payments into the State Revolving Fund (SRF) in accordance with Title VI. Payments, cash draws and disbursements are defined and in accordance with the Initial Guidance for the State Revolving Fund pursuant to 40 CFR Part 35 Subpart K and the Operating Agreement.

As per EPA's publication, EPA 430/09-88-009, dated July 1988, entitled, "Letter of Credit, How is it Used in EPA's State Revolving Fund Program", a payment in the SRF Program is an action by EPA to increase the amount of funds available for cash draw in the Letter of Credit (i.e. the ceiling). Through a payment, the EPA makes funds available to the State up to the amount of the capitalization grant. A payment is not a transfer of cash to the State but only an authorization making funds available for transfer to the State when a cash draw request is submitted. A payment schedule, indicating the timing and size of the payment or payments to be made will be entered into between EPA and the State. It will be based on the State's projection of binding commitments, the rules for cash draws and the use of the funds.

In consideration of the above, payment from the ASAP shall be made in accordance with the following schedule. Future cash draws may not exceed the amount shown below:

***\$283,148,145 (100% Projects) September, 2014\****

***\*Upon receipt of the Grant Agreement.***